

EXHIBIT 3

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
In the Matter of the Application of : Index No.
THE OFFICE OF THE COMMISSIONER OF :
BASEBALL, :
Petitioner, : AFFIRMATION OF
against : HOWARD L. GANZ
MICHAEL S. SITRICK, : IN SUPPORT OF PETITION
Respondent, : AND ORDER TO SHOW CAUSE
For an Order Compelling Compliance with a : TO COMPEL COMPLIANCE
Subpoena. : WITH SUBPOENA
----- X

HOWARD L. GANZ, an attorney at law duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under penalty of perjury pursuant to N.Y. C.P.L.R. 2106:

1. I am a member of the law firm of Proskauer Rose LLP ("Proskauer"), attorneys for Petitioner The Office of the Commissioner of Baseball, doing business as Major League Baseball ("MLB"). I am fully familiar with the facts and circumstances set forth herein.
2. I respectfully submit this Affirmation in support of MLB's petition and motion for an order pursuant to N.Y. C.P.L.R. 2308(b) compelling Respondent Michael S. Sitrick ("Mr. Sitrick") to comply with a trial subpoena dated September 19, 2013 (the "Subpoena"). The Subpoena was issued in the arbitration between the Major League Baseball Players Association (the "Union") on behalf of Alex Rodriguez ("Rodriguez") and the Office of the Commissioner of Baseball, Grievance No. 2013-02 (the "Arbitration") currently pending before Fredric R. Horowitz, Chairman of the Arbitration Panel. The Subpoena requires Respondent to appear

before the Arbitration Panel at The Office of the Commissioner of Baseball, 245 Park Avenue, New York, New York to produce and testify regarding the documents requested in the Subpoena. (A true and correct copy of the Subpoena and Affidavit of Service is annexed hereto as Exhibit 1.)

3. The Subpoena was issued pursuant to N.Y. C.P.L.R. 2305 and 7502 in order to enable MLB to obtain evidence relevant to the claims and defenses in the Arbitration.

The Background Facts

4. On or about January 29, 2013, the *Miami New Times*, a Miami-area newspaper, published what it described as excerpts from handwritten records maintained by Anthony Bosch (“Bosch”), the proprietor of a now-defunct anti-aging clinic based in South Florida, last known as “Biogenesis.” (A true and correct copy of the *Miami New Times* article is annexed hereto as Exhibit 2.) The hand-written records as published by the *Miami New Times* identified several Major League players as having received from Bosch and/or the clinics with which he was associated certain performance enhancing substances. One of the players so identified was Alex Rodriguez (“Rodriguez”) of the New York Yankees.

5. Under agreements that are the product of collective bargaining between MLB and the Major League Baseball Players Association (the “Union”) – the Joint Drug Prevention and Treatment Program (the “Joint Drug Agreement”) and the Basic Agreement – Major League players are prohibited from possessing or using certain performance enhancing substances and from engaging in conduct that is materially detrimental or materially prejudicial to the best interests of Baseball. Players who possess or use such prohibited substances and/or who engage in such conduct are subject to discipline by MLB.

6. On August 5, 2013, following an investigation, MLB disciplined Rodriguez, by suspending him (effective as of August 8, 2013) for the remainder of the 2013 season and for the entire 2014 season, based upon his continuous and prolonged possession and use of numerous prohibited performance enhancing substances, and for his attempting to cover up his violations of the Joint Drug Agreement and engaging in a course of conduct that was intended to obstruct and frustrate MLB's investigation into his and other players' violations of that Agreement. Pursuant to the Basic Agreement's grievance and arbitration procedures, the Union filed a grievance on behalf of Rodriguez; and, as already noted, the Arbitration of that grievance is currently pending before Arbitrator Fredric R. Horowitz, Chairman of the Arbitration Panel.

7. In the course of its investigation, MLB uncovered evidence indicating that Rodriguez or others acting on his behalf had obtained certain records, which had been maintained by Bosch and/or his clinics, for the apparent purpose of preventing MLB from obtaining those records and from uncovering evidence of Rodriguez's use and possession of prohibited substances.

The Role of Michael Sitrick and Sitrick & Company

8. On information and belief, Respondent Michael S. Sitrick is the founder, Chairman, and Chief Executive Officer of Sitrick & Company, a public relations firm. Sitrick & Company has an office in New York located at Seven Times Square, Suite 2600, New York, NY 10036. Mr. Sitrick and Sitrick & Company advertise the New York office as his and its place of business to the public on the company's website. (True and correct copies of Sitrick & Company's webpage and Mr. Sitrick's address card, which is available for download therefrom, are annexed hereto as Exhibit 3.)

9. On information and belief, in or around January 2013, Sitrick & Company was retained to provide public relations services to Rodriguez. In fact, on or about January 29, 2013,

the date of publication of the *Miami New Times* article referred to above, Sitrick & Company issued a statement on behalf of Rodriguez, asserting, *inter alia*, that Rodriguez had never been treated or advised by Bosch and that the documents referenced in the *Miami New Times* article, at least as they related to Rodriguez, were not legitimate. (A true and correct copy of the statement issued by Sitrick & Company on behalf of Rodriguez is annexed hereto as Exhibit 4.)

10. On or about February 5, 2013, *Yahoo! Sports* published a story identifying Major League players who it claimed had received prohibited performance enhancing substances from Bosch - naming players (including Ryan Braun of the Milwaukee Brewers and Francisco Cervelli of the New York Yankees) who had *not* been identified in the *Miami New Times* article that had been published one week earlier. In addition, *Yahoo!* published excerpts of handwritten records said to have been maintained by Bosch that had *not* been published previously by the *Miami New Times* or any other publication.

11. On information and belief, these additional excerpts from Bosch's handwritten records that *Yahoo!* published on February 5, 2013 had been provided to Sitrick & Company by Rodriguez or others acting on his behalf, and were then provided by Sitrick & Company to *Yahoo!*. Indeed, on August 16, 2013, the news program *60 Minutes*, citing two (unnamed) sources with direct knowledge of the matter, published a story on its website reporting that members of Rodriguez's inner circle had obtained and then leaked to *Yahoo!* the Bosch records implicating Braun and Cervelli. (A true and correct copy of the *60 Minutes* story is attached as Exhibit 5.)

The Subpoena

12. In connection with MLB's investigation, MLB and the Union agreed that Rodriguez would provide MLB with any documents and information regarding or reflecting any efforts

made by Rodriguez or others acting on his behalf to obtain records that had been maintained by Bosch, including but not limited to documents within the possession, custody or control of Sitrick & Company. Alternatively, the Union agreed that, if it was unable to produce such documents or information, it would provide MLB with a certification from Sitrick & Company that Sitrick did not have and never had any such documents. When the Union advised MLB that it was unable to produce the documents in question, an agreed-upon form of certification (an affidavit) was sent to Michael Sitrick and Sitrick & Company for execution. (A true and correct copy of the affidavit sent to Mr. Sitrick and Sitrick & Company is annexed hereto as Exhibit 6.)

13. To date, MLB has received neither responsive documents from Sitrick & Company nor an affidavit from Mr. Sitrick certifying that neither he nor the Company has or ever had the documents in question.

14. Accordingly, on September 19, 2013, MLB served Mr. Sitrick with the Subpoena in compliance with N.Y. C.P.L.R. 308(2) by delivering it on that date to an adult employee of Sitrick & Company at the firm's place of business in New York, along with a witness fee of \$40 (forty dollars), and by mailing it to Mr. Sitrick at his firm's place of business in the manner required by N.Y. C.P.L.R. 308(2).

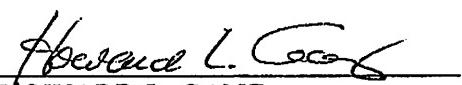
15. On September 27, 2013, counsel for Mr. Sitrick and Sitrick & Company, J. Michael Hennigan, sent me a letter objecting to the Subpoena and stating that Mr. Sitrick would not appear before the Arbitration Panel to testify or provide documents. (A true and correct copy of Mr. Hennigan's September 27, 2013 letter is attached hereto as Exhibit 7.)

16. MLB is seeking an order to compel compliance with the Subpoena because Mr. Sitrick's refusal to comply with the Subpoena has actually impeded MLB's ability to defend

against the grievance by precluding MLB from obtaining information on matters relevant to its claims and defenses in the pending Arbitration.

17. There has been no previous application for the relief sought herein.

New York, New York
October 29, 2013


HOWARD L. GANZ

ARBITRATION PANEL
FREDRIC R. HOROWITZ, CHAIRMAN

In the matter of the Arbitration between:

MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION
(Alex Rodriguez)

And

THE OFFICE OF THE COMMISSIONER OF BASEBALL

STATE OF NEW YORK)
)
QUEENS COUNTY)

X AFFIDAVIT OF SERVICE
GREIVANCE NO.
2013-02

Aldane Chambers, being duly sworn, deposes and says: Deponent is not a party to this action, is over 18 years of age, and is a resident of the State of New York.

On September 19, 2012, at approximately 5:05 PM, at Sitrick and Company, 7 Times Square, New York, NY 10036, Deponent served the within Trial Subpoena with Attachment A with a witness fee for \$40 upon: Michael S. Sitrick by delivering to and leaving with Rachel Warzola, Associate, a true and correct copy of said documents.

At the time of said service, Rachel Warzola confirmed that Michael S. Sitrick operates business at the aforementioned address; stated that she would accept the service of the aforementioned Trial Subpoena on behalf of Michael S. Sitrick behalf and acknowledged said service by endorsing a copy of the aforementioned Trial Subpoena.

Rachel Warzola is described as a white female, approximately 26-33 years of age, 130-140 lbs., 5'3"-5'5" tall, and had light brown hair.

Deponent also states that on September 21, 2013, Deponent served a copy of the aforementioned documents upon Michael S. Sitrick by depositing true and correct copies thereof, enclosed in a securely sealed, fully post-paid, Certified Mail, Return Receipt Requested envelope, certificate number 7012 2920 0002 3223 8786; and a First Class Mail envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed as follows:

Michael S. Sitrick
Sitrick and Company
7 Times Square, Suite 2600
New York, NY 10036

Deponent further states that the envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerns an action involving the addressee.

Aldane Chambers

Aldane Chambers

Sworn to before me this
23rd day of September, 2013

Karlene S. Jackson
Notary Public

Karlene S. Jackson, Notary Public
State of New York, #01JA5083169
Qualified in Queens County
Commission Expires November 17, 2013

ARBITRATION PANEL
FREDRIC R. HOROWITZ, CHAIRMAN

In the matter of the Arbitration between:

Major League Baseball Players Association
(Alex Rodriguez)

and

The Office of the Commissioner of Baseball

Grievance No. 2013-02

TRIAL SUBPOENA

To: Michael S. Sitrick
Sitrick and Company
7 Times Square, Suite 2600
New York, NY 10036

YOU ARE HEREBY COMMANDED that all business and excuses being laid aside to appear and attend before the Arbitration Panel, at The Office of the Commissioner of Baseball, 245 Park Avenue, New York, NY 10167, or at such other location as may be determined by the Panel, on September 30, 2013, at 9:00 a.m., and at any recessed or adjourned date of the arbitration hearing, to testify and give evidence as a witness in the above-captioned arbitration and bring with you the documents requested in **Attachment A**.

Any questions regarding this subpoena may be addressed to:

Howard Ganz, Esq.
Proskauer Rose LLP
11 Times Square
New York, NY 10036
(212) 969-3035
hganz@proskauer.com

Michael Z
Michael Warzala
Associate, Sitrick & Co.

Ganz Aff. Exhibit 1

ARBITRATION PANEL
FREDRIC R. HOROWITZ, CHAIRMAN

In the matter of the Arbitration between:

Major League Baseball Players Association
(Alex Rodriguez)

and

The Office of the Commissioner of Baseball

Grievance No. 2013-02

TRIAL SUBPOENA

To: Michael S. Sitrick
Sitrick and Company
7 Times Square, Suite 2600
New York, NY 10036

YOU ARE HEREBY COMMANDED that all business and excuses being laid aside to appear and attend before the Arbitration Panel, at The Office of the Commissioner of Baseball, 245 Park Avenue, New York, NY 10167, or at such other location as may be determined by the Panel, on September 30, 2013, at 9:00 a.m., and at any recessed or adjourned date of the arbitration hearing, to testify and give evidence as a witness in the above-captioned arbitration and bring with you the documents requested in **Attachment A**.

Any questions regarding this subpoena may be addressed to:

Howard Ganz, Esq.
Proskauer Rose LLP
11 Times Square
New York, NY 10036
(212) 969-3035
hganz@proskauer.com

Failure to comply with this subpoena will subject you to such sanctions as are legally applicable.

Dated: New York, New York
September 19, 2013

BY: /s/ Fredric R. Horowitz

Fredric R. Horowitz
Chairman,
On Behalf of the Arbitration Panel

ATTACHMENT A
INSTRUCTIONS AND DEFINITIONS

A. All words, terms, and phrases not specifically defined in these requests are to be given their normal and customary meaning in the context in which they are used in the requests herein.

B. The term "documents" means writings of any type, all other data compilations from which information can be obtained (including electronic media), and any other means of preserving thoughts or expression, however produced or reproduced, and shall include originals as well as any copies maintained.

C. The term "communications" includes, but is not limited to, letters, e-mails, memoranda and facsimiles.

D. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the documents requested all documents that might otherwise be construed to be outside of the scope of the request.

E. "Sitrick and Company" or "you" means Sitrick and Company, its agents, employees, officers, directors, principals and other representatives, and its predecessors, successors,

parents, or assigns, collectively and singularly, and their agents, employees, officers, directors, principals, contractors, and other representatives.

F. "Players" refers to any and all professional baseball players who are employed by or playing for, or have in the past been employed by or played for, any of the 30 Major League Baseball Clubs. If you are unsure as to whether an individual is employed or plays for, or was employed by or played for, a Major League Baseball Club, Plaintiff's counsel will provide a list of such players upon your request. The term "Players" also includes any representatives—including attorneys, agents, assistants, consultants, or employees—of such current or former Major League Baseball players.

G. The use of the singular form of any word includes the plural and vice versa.

H. If a document required to be produced by this Subpoena is not produced on the ground that it is privileged and therefore not subject to disclosure, the following information shall be supplied for each document: (a) the nature of the privilege asserted with respect to the document; (b) the date of the document; (c) the name and title of the document; (d) the name and title of each person who received the document; (e) a description of the type of document and the contents of the document; and (f) the name and title of the person having custody of the document.

I. If a document required to be produced by this Subpoena cannot be produced because it has been lost, discarded or destroyed, the following information shall be supplied for each document: (a) the type of document (e.g., email, letter, agreement, etc.); (b) the individual who prepared the document; (c) the recipients of the document; (d) the subject matter of the document; (e) the title of the document (if any); (f) the date of the document; (g) number of pages; (h) all persons to whom the document was distributed, shown or explained; (i) the date or approximate date it was lost, discarded or destroyed; (j) the circumstances and manner in which

it was lost, discarded or destroyed; (k) the reason(s) for disposing of the document (if discarded or destroyed); (l) the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal or destruction of the document; and (m) the identity of the person(s) who lost, discarded or destroyed the document.

DOCUMENTS TO BE PRODUCED

1. Any and all documents or communications exchanged between you on the one hand and Alex Rodriguez and/or persons or entities acting on his behalf (including but not limited to Black, Srebnick, Kornspan & Stumpf, P.A.) on the other from October 1, 2012 to the present relating to any Players (not including Rodriguez), Anthony Bosch, Biogenesis, Biokem, Porter Fischer, Yuri Sucart, articles appearing in the *Miami New Times* and/or Major League Baseball's investigation into the distribution of Performance Enhancing Substances.

2. Any and all documents or communications exchanged between you and any representative of any media outlet, including but not limited to Yahoo! from October 1, 2012 to the present relating to any Players, Anthony Bosch, Biogenesis, Biokem, Porter Fischer, Yuri Sucart, articles appearing in the *Miami New Times* and/or Major League Baseball's investigation into the distribution of Performance Enhancing Substances.

Ganz Aff. Exhibit 2



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Sports

The A-Rod Files: Every Mention of the Yankees Slugger in Tony Bosch's Records

By Tim Elfink Tue., Jan. 29 2013 at 10:28 AM

Categories: Sports

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This week, *New Times* takes you inside Biogenesis, an anti-aging clinic in Coral Gables run by Miami entrepreneur Anthony Bosch. His name is familiar to sports fans because he and his father, Dr. Pedro Bosch, were probed by authorities in 2009 when Manny Ramirez was suspended for violating baseball's drug rules.

An extraordinary cache of Bosch's records suggests that Bosch has been supplying performance-enhancing drugs to some of the biggest names in sports, including Yankees slugger Alex Rodriguez. Click through for a full look at all of A-Rod's appearances in Bosch's files.

See also:

- [A Miami Clinic Supplies Drugs to Sports' Biggest Names](#)
- [Special Report: Tony Bosch and Biogenesis -- MLB Steroid Scandal](#)

Update: A-Rod has responded to our story, sending a statement to the *New York Post*'s Joel Sherman: "The news report about a purported relationship between Alex Rodriguez and Anthony Bosch are not true. Alex Rodriguez was not Mr. Bosch's patient, he was never treated by him and he was never advised by him. The purported documents referenced in the story -- at least as they relate to Alex Rodriguez -- are not legitimate."

Gio Gonzalez has also issued a denial via Twitter: "I've never used performance enhancing drugs of any kind and I never will. I've never met or spoken with tony Bosch or used any substance."

First, a word about the records. *New Times* reviewed a wide range of Biogenesis files, from a neatly kept spreadsheet of patients dated June 2012 to folders of loose documents. There are also daily logs of visitors and, most important, Tony Bosch's personal notebooks from 2009 through 2012.

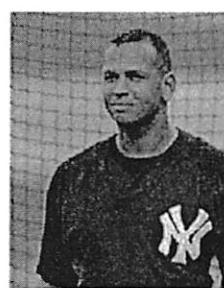


photo via Wikimedia Commons/Kelti

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Westword

In all, we reviewed 256 pages of handwritten notes from Bosch, a half-dozen full patient files, and more than 100 pages of other business documents from Biogenesis.

How did we authenticate the records? *New Times* called dozens of numbers from client lists and Bosch's personal notebooks. Virtually everyone we spoke with acknowledged their involvement with the clinic or politely declined to comment. There wasn't a single denial. We also spoke to six clients who confirmed that their information — as recorded in the records — was accurate. Two former Biogenesis employees described intimate details of the clinic and its business.

Bosch's personal notebooks also check out in every other respect. Scrawled numbers to diagnostic clinics reach diagnostic clinics. Details about Bosch's family life, business plans, and debts match public records.

Alex Rodriguez appears 16 times in the documents we reviewed. His name is recorded as "Alex Rod" or "Alex R." or by his nickname at the clinic, "Cacique." This is particularly interesting because on ESPN, he acknowledged using PEDs but said he stopped in 2003.

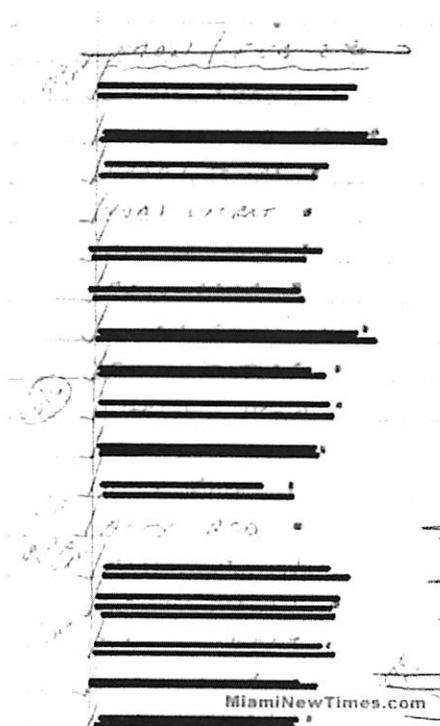
It's also important to note that Rodriguez's cousin, Miami resident Yuri Sucart, frequently appears in the same records on the same days as Rodriguez. Sucart has been identified in the past as Rodriguez's source for performance-enhancing drugs.

Now, to the records. We have redacted names that don't appear multiple times in the records or who couldn't be confirmed outside the records in some way. Also left out are regular clients whose names we did not believe to be newsworthy. More records will be posted on Riptide over the next few days.

First, Biogenesis's client list as of June 2012 includes a number of ballplayers, as well as their nicknames used by Bosch in his personal notebooks. A-Rod was "Cacique":

Active And All 5000 | Colors 144 Sat 3D Tech Recovery 10 OK 800 MiamiNewTimes.com

This entry is from a Bosch notebook:



As is this:



Biogenesis Fallout
New Times Broward-Palm Beach



What's Rick Scott Gonna Veto?
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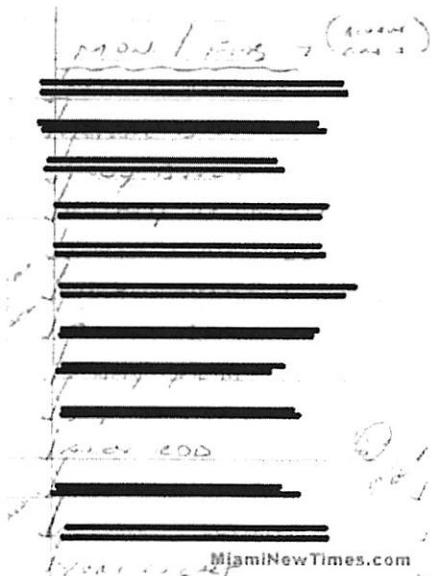


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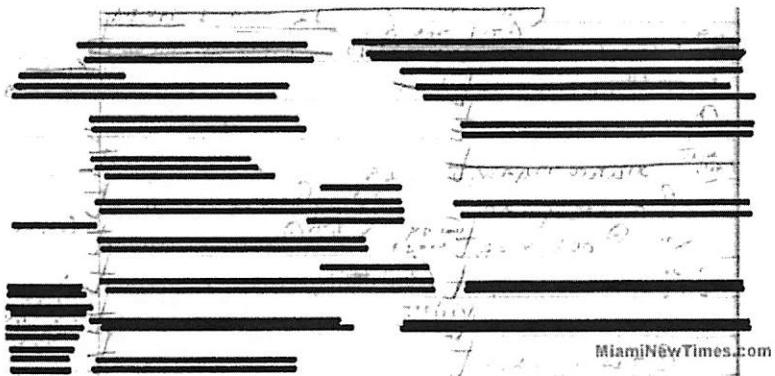
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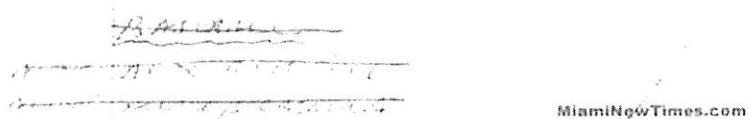
And this:



MiamiNewTimes.com



This comes from Bosch's "2011" notebook:



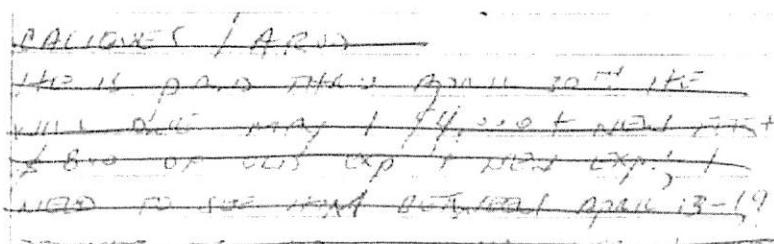
As does this:



This is from the "2012" notebook:



As is this:

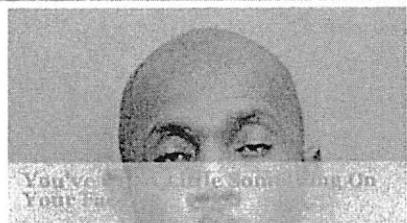


Biogenesis Fallout
New Times Broward-Palm Beach



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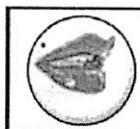
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Continued from page 2

This is also from the "2012" notebook:

MiamiNewTimes.com

As is this:

MiamiNewTimes.com

This comes from a file of documents from the office:

19th Annual World Congress on
Anti-Aging and Aesthetic Medicine

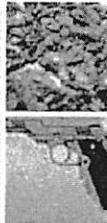
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X TEST RECENT DNA Y CLOSER
L-GLUTAMINE AM Y CLOSER

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New Times Broward-Palm Beach

S. 1 - 14 → L11 - 1 L11
 X MIC & R. WEN (T & M)
 S. all supplements → CAC / FNC / ZINC
 (Antioxidants)
 VIT. D
 S. OMEGA 3-6-9
 S. 5-HTP

S. P.M. SUPPLEMENTS →
 ✓ REYOL
 ✓ VITAMIN C
 ✓ GLUCOSAMINE
 ✓ HYDRO LIPIDIC ACIDS

X. plain cream paint
 X. mineral / keto protein cream

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As does this:

Alex R. Chalasyany Holistic Health Diet
 Blood Diet 101
 A lot of photos of EGF-1
 ORAL ACTIVATED
 CREAMS & LOTIONS
 Fatty E 10%
 Trans E 19.2%
 Keto / THA
 9 shots of B12 / 1400 C + Ti
 CAC / FNC & 1 entero
 6 shots of HAT E 2.5 iu
 D.ura pale 25-50 mg.
 And so does plan. 2nd
 VIT. D3
 1000-10000 IU DAILY

And finally, this as well:

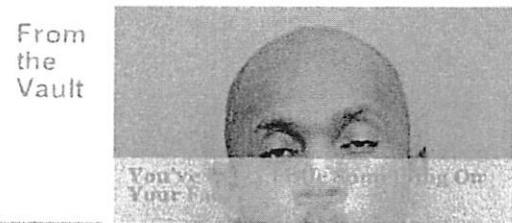
Day ④ Yogi suspect (500/1) abdominal/pelvis
 18 mm x 7 mm; 1.1 mm thick; irregular
 Day ⑤ 4.0V rod-shaped (3,500/1) rectum/colon
 1.5/1.5 mm; 1.5 mm thick; creamish tan; irregular
 1.5 mm, 1 mm thick; pale pink.



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